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8 Attorneys for Defendant
9 ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION

10 IN THE UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 CHRISTINE CHANG, individually and as Guardian ad
13 Litem for ERIC SUN, disabled

14 Plaintiffs,

15 v.

16 ROCKRIDGE MANOR CONDOMINIUM,
17 ROCKRIDGE MANOR HOMEOWNERS'
18 ASSOCIATION; ROCKRIDGE MANOR BOARD OF
19 DIRECTORS; ROCKRIDGE MANOR PRESIDENT
20 OF BOARD OF DIRECTORS CHARLES
21 BLAKENEY; ROCKRIDGE MANOR MANAGER
22 EVA AMMANN; TRUCK INSURANCE
23 EXCHANGE; AND DOES 1-30, inclusive,

24 JOINDER

25 UNIVERSITY OF CALIFORNIA BERKELEY; UC
26 BERKELEY CHANCELLOR ROBERT BIRGENEAU;
27 UC BERKELEY PUBLIC RECORDS
28 COORDINATOR ALAN KOLLING; UC BERKELEY
29 GENERAL COUNSEL SUSAN VON SEEBURG; UC
30 BERKELEY POLICE DEPARTMENT CHIEF
31 VICTORIA HARRISON; UC BERKELEY POLICE
32 DEPARTMENT LIEUTENANT ADAN TEJADA; UC
BERKELEY POLICE DEPARTMENT MANAGER
TOM KLATT; UC BERKELEY POLICE
DEPARTMENT DISPATCHER CONSTANCE
PEPPERS CELAYA; and DOES 31-60, inclusive,

JOINDER

PAMELA ZIMBA, ATTORNEY AT LAW; ALBERT
COOMBES, ATTORNEY AT LAW; and DOES 61-90,
inclusive,

Defendants

Case No.: C07-4005 EMC

**NOTICE OF MOTION AND MOTION
TO DISMISS PURSUANT TO FRCP
12(p)(6) OR, IN THE ALTERNATIVE,
MOTION FOR MORE DEFINITE
STATEMENT [FRCP 12(e)]**

Date:

Time:

Room: C

Judge: Magistrate Judge Edward M. Chen

1 To plaintiffs:

2 Please take notice that defendant Rockridge Manor Homeowners Association hereby moves
3 and will move the court on the date, time, and place set forth above to dismiss the complaint filed in
4 this action pursuant to Federal Rule of Civil Procedure 12(b)(6) on the following grounds:

5 1. Plaintiff's federal civil rights claim fails as no cognoscible interest under Section 1983 has
6 been identified, and the vague and conclusory allegations of moving party's participation in civil
7 rights violations are insufficient to state a cause of action;

8 2. The tort claims asserted by plaintiffs are barred by the litigation privilege, California Civil
9 Code Section 47(b);

10 3. The causes of action stated by plaintiffs are all barred by the applicable statute of
11 limitations;

12 4. All causes of action are without merit as plaintiffs do not set forth facts sufficient to state
13 a cause of action under any legal theory


14 5. Plaintiff Christine Chang has no standing to represent plaintiff Eric Sun in propria
15 persona.

16 In the alternative, moving party moves this court for an order required a more definite
17 statement as defendant cannot be reasonably required to submit a responsive pleading to any of the
18 causes of action given the vague, ambiguous and incomprehensible language of the complaint,
19 pursuant to FRCP 12(e).

20 This motion is based on this notice and motion, the Memorandum of Points and Authorities
21 filed herewith, the Request for Judicial Notice in Support of Accompanying Motion for Summary
22 Judgment, the pleadings and papers filed herein, and on such matters that may be brought to the
23 attention of the court and the parties at or before the hearing on this motion.

24
25 Dated: November 2, 2007

ALLMAN & NIELSEN, P.C.

26
27 By:  Paul A. Conroy

28 Paul A. Conroy

29 Attorney for Defendant

30 ROCKRIDGE MANOR

HOMEOWNERS' ASSOCIATION

PROOF OF SERVICE

I am a citizen of the United States and employed in Marin County, California. I am over the age of eighteen years and not a party to the within action. My business address is 100 Larkspur Landing Circle, Suite 212, Larkspur, California 94939-1743.

On this date I served the foregoing documents described as:

NOTICE OF MOTION AND MOTION TO DISMISS PURSUANT TO FRCP 12(p)(6) OR, IN THE ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT [FRCP 12(E)]

on the interested parties in the action by placing ☐ the original ☒ a true copy thereof, enclosed in a sealed envelope addressed as follows:

Christine Chang
341 Tideway Drive #214
Alameda, CA 94501
Telephone (510) 769-8232

Pro Se, individually and as Guardian ad Litem
for ERIC SUN, disabled

Gaylyn Kirn Conant
LOMBARDI, LOPER & CONANT, LLP
Lake Meritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612
Telephone: (510) 433-2600
Facsimile: (510) 433-2699

Attorney for Defendants
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, ROBERT BIRGENEAU,
CONSTANCE PEPPERS CELAYA, ADAN
TEJADA, VICTORIA HARRISON, ALLAN
KOLLING, TOM KLATT AND SUSAN VON
SEEBURG

Lee J. Danforth
Coddington Hicks & Danforth
555 Twin Dolphin Drive Suite 300
Redwood City CA 94065
Telephone: (650) 592-5400

☐ **BY MAIL:** I deposited such envelope with postage thereon fully prepaid in the mailbox regularly maintained by the delivery service carrier at Larkspur, California.

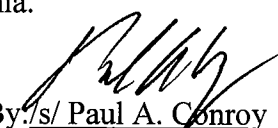
☐ **BY PERSONAL SERVICE:** I delivered such envelope by hand to the addressee.

☐ **BY FACSIMILE:** I sent such document via facsimile to the facsimile machine of the addressee.

☒ **BY E-MAIL:** I transmitted a true electronic copy of the foregoing documents by e-mail to Christine Chang's e-mail address: Christie1chang@peoplepc.com, Gaylyn Kirn Conant's email address: gkc@llcllp.com, and Lee Danforth's email address: LDanforth@CHDLAWYERS.com

1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct to the best of my knowledge.

3 Executed on November 2, 2007, at Larkspur, California.

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6 By: /s/ Paul A. Conroy
7 PAUL A. CONROY
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